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Chairman: Mr. Maitland ..... (South Africa)

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Agenda item 77 : Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

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The meeting was called to order at 10:10 a.m.

Agenda item 77: Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories *(continued)* (A/57/204, A/57/314-318, A/57/421)

1. **The Chairman** drew attention to documents in the Committee's possession pertaining to the item under consideration.

2. **Mr. Mahendran** (Sri Lanka), Chairman of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, introduced the Special Committee's report (A/57/207) and noted that it should be considered along with the periodic report (A/57/421), which contained a summary of articles that had appeared in the Israeli press.

3. He noted that the report had been prepared on the basis of testimonies of residents of the occupied territories and Israel with whom Special Committee members had met in Cairo and Amman, as well as on the basis of testimonies of witnesses who did not live in the occupied territories, but who maintained contact with residents of the Occupied Syrian Golan.

4. On behalf of the Special Committee, he expressed regret at the fact that he had not been able to visit the occupied territories to become acquainted with Israel's position on the matter.

5. According to the information obtained, the human rights situation in the occupied territory had deteriorated enormously since Israel's military incursions. Witnesses appearing before the Committee had provided detailed testimony and information referring to the tragic conditions under which Palestinian citizens had been living during the period under review. Their reports presented a grim picture and showed a disturbing deterioration in the humanitarian and economic situation, which was further aggravated by severe violations of the human rights of the Palestinian civilian population.

6. The report focused primarily on issues of particular concern in the light of the testimonies and material received: the right to life; arrest and detention; use of military force against the civilian population; freedom of movement; freedom of the press and the media; humanitarian assistance; medical assistance; the economic impact, including destruction of infrastructure and property; and human rights defenders.

7. Over 1,300 Palestinians, including a good many children, had been killed and over 20,000 had been injured, the majority of them peaceful civilians, since September 2001. Also contributing to increased poverty and despair was collective punishment, such as prolonged sieges and blockades, the demolition of houses and the destruction of agricultural land, which had left Palestinians unable to go to their jobs in Israel, placed insurmountable obstacles before Palestinian exporters, led to increased unemployment, and prevented students from exercising their right to education and the wounded, the sick, and the disabled, their right to medical assistance. All that had negative implications for socio-economic and cultural life in the occupied territories and particularly undermined the already poorly developed Palestinian economy even more. A dramatic reduction in incomes was noted for a considerable portion of the population, with the delivery of medical and humanitarian assistance hampered.

8. The considerable and extensive controls themselves and the very severe manner in which such controls have been enforced by the Israeli authorities were, in the view of the Special Committee, totally inconsistent with human rights standards and obligations.

9. Throughout the years of occupation, Israeli authorities had put in place a comprehensive and elaborate system of laws and regulations and administrative measures that affected all aspects of the lives of the Palestinian and Syrian peoples in the occupied territories. The laws and regulations were so framed that they vested in officials a considerable degree of authority and latitude over the lives of the people of the occupied territories. Moreover, during periods of violence, such exercise of control made the lives of the Palestinian and Syrian peoples in the occupied territories even more unbearable.

10. Among the witnesses appearing before the Special Committee, there was a sense of hopelessness, frustration and anger directed not only against the

occupying Power, but also against the international community, including the Special Committee itself, in connection with its inability to provide relief to the hardship experienced by the people of the occupied territories. Unfortunately, the only conclusion that seemed possible from the statements made and the materials provided to the Special Committee was that the human rights of the Palestinians in the occupied territories were being harshly ignored.

11. The Special Committee's report served as a reminder that the failure to resolve the fundamental problem of the occupation, combined with the failure of successive governments of Israel to comply with the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention) and norms of international humanitarian law, had placed the population of the occupied territories in a vulnerable position, left it unprotected, and made it the target of wide-ranging violations. Given that the Special Committee's report was incomplete and did not include the views of the Israelis, who themselves were also victims of violence and some of whose people had also been killed or injured, the Committee wanted to emphasize that it had not had access to the occupied territories, despite the requests it made for such access every year, the last such request made in the current year. Had the Committee received such access, it could have become acquainted with the views of the representatives of the Israeli authorities on what had caused them to take the measures mentioned in the reports that came to the Committee. With such access, the Committee's reports would have been more complete.

12. **Ms. Abdelhady Nasser** (Observer for Palestine) noted that the occupying Power, Israel, continued to trample the rights of the Palestinian people to the present day. For that reason, the agenda item under debate was of crucial importance to the Palestinian delegation, as it should be for the international community as well. The Special Committee's work remained an important component of the efforts of the international community.

13. The source of all the violations committed by Israel was the occupation, which had continued for more than 35 years and was itself a violation of international law. Over that time, suffering had not diminished; rather, human rights had been violated ever more zealously and aggressively. The occupying Power had been waging a brutal military campaign for two years already, setting weapons and military hardware against the Palestinian people and its leadership. In March 2002, population centres and refugee camps throughout the Occupied Palestinian Territory were re-occupied or attacked, which had also affected Palestinian Authority structures. Feeding the cycle of violence relentlessly, Israel guaranteed that death, destruction of property, confiscation of land, and exploitation of resources would continue, and, as before, there would be no normalization of life among the Palestinians.

14. It was hard to stand by idly in the face of the outrages perpetrated by Israel on the Palestinian people. Before one's eyes were the images of babies being buried, maimed youths, mothers crying in the wreckage of their homes, fathers trying to somehow feed their families, and the elderly suffering the loss of property and shelter, as they had so many times before. Since 28 September 2000, almost 2,000 Palestinians had perished at the hands of the occupying forces - both as a result of military operations and as a result of willful killing and extrajudicial executions. Many Palestinians had also been killed or injured by Israeli settlers, who continued to act with impunity. It should also be mentioned that many Palestinians, including children, had died when they were denied access to hospitals or proper medical assistance. Some 35,000 Palestinians had been crippled (some for life); mental and emotional disorders were widespread.

15. Over the past year, Israeli occupation forces had intensified the practice of raids. During those raids, hundreds of Palestinians had been abducted by the occupiers, and thousands of others had been abused and detained. Those abducted and detained were victims of harassment and even torture. Thousands of Palestinians continued to be tortured today in Israeli prisons or detention facilities.

16. At the same time, the occupation forces were devastating the Occupied Palestinian Territory. Thousands of Palestinians were without shelter: their homes had been razed by bulldozers. In some cases, as the Special Committee reported, people were unable to leave the dwelling being razed and were buried alive. Historical, cultural, and religious facilities had been damaged, as had buildings of Palestinian ministries, hospitals, and schools. Many homes and public institutions, including Palestinian Authority facilities, had been ransacked by the occupation forces. Utilities

had been damaged many times. Farmland and crops had been devastated. Palestinian *fellahs* had been harassed and robbed.

17. It was widely known that Israel continued to pursue its illegal settlement activities throughout the Occupied Palestinian Territory, as well as in the Occupied Syrian Golan. That was accompanied by the confiscation of land and property, the exploitation and looting of natural resources, and the influx of an even larger number of settlers.

18. The Special Committee's reports detailed the severe restrictions on the freedom of movement of people and goods, including humanitarian and medical personnel and assistance. The military siege had essentially resulted in the Palestinian people being locked in their own land. Peaceful Palestinians had often been killed or injured during the curfews. The life of Palestinian society had virtually collapsed, a fact reported by various United Nations offices and by humanitarian institutions. Moreover, Israeli officials, including the prime minister and chief of staff, admitted that Israel pursued a deliberate policy to that end.

19. She could not help but also mention the attack by Israeli occupation forces on the Jenin refugee camp in April 2002. The occupiers had entered the camp with the clear intention of destroying and killing. More than 50 Palestinians died, including women, children, and elderly, some of them simply bleeding to death. The occupation forces kept humanitarian organizations from entering the camp for more than 11 days.

20. In summarizing, she felt it necessary to say that the Israeli occupation forces had committed not only violations of international humanitarian law, but also war crimes in the Jenin camp, as well as in other areas of the Occupied Palestinian Territory. The international community must ultimately bring the perpetrators of those crimes to account.

21. She said it was necessary to reaffirm the applicability of the Fourth Geneva Convention to all the territory occupied by Israel since 1967, including East Jerusalem. Israel must recognize that and comply fully with its provisions. On 5 December 2001, the Conference of the High Contracting Parties to the Convention adopted a declaration in which the parties recognized the applicability of the Convention, called upon the occupying Power to refrain from violations of the Convention, including the breaches enumerated in article 147 of the Convention, and reaffirmed their obligations under articles 146-148. She hoped that the parties to the Convention would actually make the requisite efforts to ensure compliance with the Convention.

22. In conclusion, she expressed the hope that the tragic situation in the Occupied Palestinian Territory, including East Jerusalem, would change soon. For that to happen, of course, Israel would have to cease all violations of international law, beginning with the immediate cessation of its military campaign against the Palestinian people. In that connection, the role of the international community, one of whose components consisted of the efforts of the United Nations, could not be underestimated. She hoped that all the resolutions on the item under consideration would receive their well-deserved support.

23. **Mr. Mekdad** (Syrian Arab Republic) emphasized the continuing importance of the work of the Special Committee, which represented the international community in its efforts to identify Israeli crimes in the occupied Arab territories. Any attempt to weaken that role amounted to providing Israel cover for continuing to violate the legitimate rights of the Arab population of those territories. It was not surprising that Israel had refused to cooperate with the Special Committee since the Committee's establishment, given that the Committee's very job was to expose Israel's illegal activities and terrorism.

24. Since 1967, in violation of all international instruments, Israel had been Judaizing the Golan, not hesitating to seize water sources or destroy agricultural resources belonging to local Arabs. After seizing around 96 percent of the land in the Golan, Israel continued to plan new settlements and expand existing settlements. Half a million Syrian refugees evicted by Israel in 1967 were still awaiting return to their homeland. But the number of Israeli settlements in the Golan, which already numbered 40, was growing. And that was happening at a time when, generally speaking, peace moves based on Israel's withdrawal from the occupied territories were supposed to be taking place.

25. Near population centres, Israel was planting mines, which had already killed 85 people. Israel was impeding Syrian building developments by imposing exorbitant taxes and restrictions on construction. People were being arrested, there was a shortage of medical assistance, and Syrians were being kept from

celebrating their national holidays. Israel was shamelessly destroying the natural environment. Dozens of Syrians were languishing in Israeli prisons, where they were being subjected to various forms of harassment and humiliation.

26. Israeli television had carried a report on Israeli activities aimed at colonizing the Syrian Golan. Construction of more than 1,000 housing units had gotten under way there - the largest campaign thus far to expand settlements in the Golan. It had even been given a name - the Golan Dreams. Meanwhile, the Israeli leaders should be aware that the occupation and oppression could not continue and that the Golan was part and parcel of the Syrian Arab Republic and would return to the fold despite force of arms.

27. The world had witnessed new atrocities against the defenseless Palestinian population over the past year. The occupation forces committed a whole series of criminal acts in which around 1,900 Palestinians died. The injured numbered in the thousands. A recently published Amnesty International report called the Israeli actions accompanying the re-occupation of the West Bank and the incursion into Jenin and Nablus war crimes. The international community could not close its eyes to those crimes. If such Israeli actions continued, they would pose a real threat to international peace and security. Peace could not live alongside occupation or demonstrations of force.

28. After the Second World War, the Middle East became an arena of destruction and conflict. The source of that destruction and conflict was the Israeli approach, based on occupation, colonization, and expulsion of native inhabitants. The United Nations had adopted hundreds of resolutions, and Israel had openly ignored them, re-occupying the Golan, the West Bank, Gaza, and a portion of Lebanese territory. When the Arab States put forth their own peace initiative in March 2002, Israel's response was to invade cities and Palestinian camps. The road to peace in the Middle East was through observance of the international rule of law, and the means for achieving that peace were, specifically, Security Council resolutions 242 (1967) and 338 (1973) and the land for peace principle. The requisite pressure must be exerted on the Israeli Government, and there must be no room for a selective approach or double standards there.

29. **Mr. Abu Zeid** (Egypt) said that the past year had been one of daily suffering for the Palestinian people, who had been subjected to numerous violations of human rights and humanitarian law, and that had been reflected in the reports introduced in the Fourth Committee on the humanitarian, political, and economic situation in the occupied territories. All those reports contained information on the inhumane Israeli practices carried out under the pretext of maintaining security and fighting terrorism. The A/57/207 report before the Committee made particular note of the deterioration of the humanitarian situation and proved unequivocally that Israel was violating inalienable rights of the Palestinian people such as the right to life.

30. He said that the international community could not remain indifferent to the report's contents regarding the detentions and arrests and the use of armed force against the civilian population, as well as regarding the restriction of freedom of movement and the destruction of infrastructure and property. Citing the report on the observance human rights before the Third Committee the past week, he said that the violations seen in the occupied territories were the direct consequence of the Israeli military occupation. Only when the occupation ended could the human rights situation be redressed. He noted that the situation with the population of the occupied Palestinian territories differed little from the situation with the Syrian population in the occupied Golan.

31. He said that the legal and administrative measures adopted by the authorities of the occupying Power were a daily encroachment on the identity and culture of the Syrian people, which was a flagrant violation of the norms of international law and the Fourth Geneva Convention. The Government of Israel also continued to violate Security Council and General Assembly resolutions. The current deterioration of the situation bespoke the need for a global solution. The consensus reached on the creation and co-existence of two independent States should be taken into account.

32. He further emphasized that the development of complex initiatives should take into account, first, that such initiatives should not only pursue a goal of settling political and economic questions and questions of security, but should also indicates ways to achieve a solid solution of the problem of declaring a Palestinian State on a specific timetable; second, that any such initiatives must allow for the fact that the situation within the Palestinian territories was purely a Palestinian matter, and interference with it was not permissible under any pretext; and third, that Israeli

troops must withdraw immediately from Palestinian cities and that, in accord with the Secretary General's proposal, international observers must be sent to the territories to protect the population and prevent a resurgence of violence.

33. The rapid pace of events in the Middle East was causing deepening despair. He hoped that certain processes within Israeli society would prompt the authorities to review their practices with regard to the Palestinian people. It was high time to recognize that there was no more reliable guarantee of an improvement of the situation in the region and throughout the world than to abandon violence, solve problems peacefully, and respect human rights.

34. **Mr. Djacta** (Algeria) said that the Special Committee was the only forum in which the international community could expose the crimes committed by Israeli occupation forces in the occupied Arab territories. Israel continued to violate relevant international obligations and accords and show disrespect for the United Nations.

35. Israel's policy of fait accompli was geared to isolating the Arab territories and Judaizing their population for purposes of altering the demographic picture of the region. The Israeli authorities continued to apply collective sanctions and destroy the economic infrastructure of Palestine.

36. The massacres carried out by the Israeli occupation forces in the Jenin refugee camp were war crimes. Israel was merely pretending to want negotiations, but in fact wanted to strip the Palestinian Authority of the ability to conduct such negotiations. Israeli practices in the occupied Syrian Golan were no less dangerous. Israel's behavior posed a threat to the security of the entire region. The Government of Israel was a government of terrorism and war, not a government of peace. Algeria strongly condemned Israel's position, which was leading to the destruction of the peace process. The international community must hold Israel fully responsible for the consequences of its hostile actions.

37. **Mr. An-Najar** (Yemen) said that the United Nations and the General Assembly, which express the will of the international community, could not be neutral parties and must provide support to the Palestinian people living under the Israeli occupation. The rights of the Palestinian people had been denied for more than 50 years now.

38. The United Nations was doing less than was expected of it. It was merely adopting resolutions that, all in all, made special note of the inalienable rights of the Palestinian people, especially their right to self-determination and an end to the occupation. Over a span of 30 years, the Security Council had adopted 29 resolutions on Israeli practices and actions in the occupied Palestinian territories, but Israel refused to comply with them. Dozens of other resolutions had been adopted on the occupied Golan Heights and southern Lebanon, Israel's violation of the Fourth Geneva Convention, the settlements, the dispatch of fact-finding teams, etc., but Israel complied with only the points of the resolutions that were beneficial to it.

39. As for the Israeli-Palestinian conflict, plans and draft resolutions were being introduced that indicated that the Palestinian people were still not ready to live in a democracy, and that was why Israel was not recognizing free elections and was attempting to impose its own electoral and political system. Such an approach would in no way resolve the essential problem, which consisted in ending the Israeli occupation.

40. Being a peace-loving State, Yemen strongly supported the peace efforts whose basis consisted of respect for all laws and the Arab peace initiative (A/56/1026-S/2002/932) that had been adopted at the Beirut Summit. He again emphasized the right of the Palestinian and Syrian peoples to a just struggle for the return of their lands and to live in peace in their homelands.

41. **Mr. Hassan** (Jordan) said that his Government expressed regret at the unceasing illegal and reprehensible practices of Israel in the occupied Palestinian territories, which continued to inflict pain and suffering on the Palestinian people. Israel continued to violate the most fundamental rights of the Palestinian people, as well as its own obligations under the Fourth Geneva Convention.

42. It was no news that Israel continued to target the civilian population, maintained round-the-clock curfews in the West Bank, held detainees with no legal basis whatsoever, committed wanton murders and made arrests, deliberately destroyed the homes of Palestinians, and uprooted their trees and destroyed their property. Furthermore, Israel continued to hinder unrestricted provision of humanitarian assistance to the Palestinian people at a time when they were in

particular need of it. The adverse economic conditions of the Palestinian people had caused a genuine humanitarian crisis. The results of the Israeli practices were loss of access to sources of employment and income, as well as to essential goods and services.

43. The Government of Jordan called on Israel to refrain from employing such regrettable measures and to take part in a real and genuine process of providing assistance for rebuilding the Palestinian Authority so that it could fulfil its basic obligations and provide the needed basic services to the Palestinian people.

44. Israeli practices had not only disrupted the operation of the Palestinian Authority and brought suffering to the Palestinian people, but had also expanded the opportunities for the fundamentalist and extremist organizations operating in the region. The popularity of those organizations was growing not only because they were conducting terrorist attacks against Israel, but also, more important, because they were providing humanitarian services on the ground, i.e., services that the Palestinian Authority could no longer provide, because Israel had decided to pursue its policy of eliminating the Authority. The Israeli practices in the occupied Palestinian territories provided fertile ground for the emergence of extremism on both sides.

45. Jordan recognized the right of each country to fight terrorism and to eliminate that threat, and it had repeatedly condemned the murder of civilians - be they Israeli or Palestinian.

46. Jordan believed that international diplomatic efforts that reflected the work of the Quartet to develop a clear plan of action and the setting of a specific timetable for ending the conflict in the Middle East, as well as the creation of a Palestinian State within the 1967 borders in keeping with the vision of the president of the United States, were the key elements to the achievement of peace and stability in the region. The plan of action must be comprehensive, must be considered a single package, and must involve international guarantees for its implementation.

47. He emphasized the importance of the Arab peace initiative that had been adopted at the Beirut Summit. It was a powerful initiative that took into account the needs of all Israeli citizens. For the first time since the current conflict had started, the whole Arab world was promising Israel collective security measures, entry into a collective peace treaty, establishment of normal relations, and the achievement of an agreed-upon solution to the refugee problem and an end to the conflict.

48. The Government of Jordan appreciated the efforts of the Palestinian Authority to conduct new, extremely needed reforms. Conditions should be created to ensure that the reform process would be successful, and Israel should respond to that positive development.

49. All the measures that Israel had taken to introduce its laws and jurisdiction in the holy city of Jerusalem were illegal and had no legal force, and they violated Security Council resolutions. As for the Israeli settlements, the Government of Jordan stressed again that those settlements were not only illegal under international law, but also created serious obstacles to peace.

50. The Government of Jordan declared again that Israel must comply with all the Security Council resolutions relevant to the occupied Palestinian territories and the Palestinian people. Confidence in the Security Council depended on its ability to ensure compliance with its resolutions, which were binding on all States Members.

51. The Israeli practices in the occupied Syrian Golan also violated international law. Jordan called on Israel to refrain from measures that entail, specifically, the expansion of construction of the illegal settlements and the imposition of harsh economic restrictions on the Syrian population in the region.

52. Peace in the Middle East would not be comprehensive without the participation of the Syrian Arab Republic and Lebanon. Negotiations needed to be resumed on those matters to reach an agreement ensuring the return of the occupied Syrian Golan and all Lebanese territories. A comprehensive peace must also result in the settlement of all aspects of the Israeli-Palestinian conflict, namely, the borders, Jerusalem, self-determination, the refugees, mutual security, the economic community, and the freedom of movement of people, financial resources, and goods.

53. **Mr. Hasmy** (Malaysia) expressed regret that, in disregard of the provisions of General Assembly resolution 56/59 of 10 December 2001, the Government of Israel refused to cooperate with the Special Committee, depriving it of the opportunity to make an independent assessment of the situation in the occupied territories. Nevertheless, Israel's unconstructive position notwithstanding, the

Committee had managed to obtain the views of a number Israeli citizens from human rights organizations who shared their thoughts on the plight of the Palestinians living under occupation and informed the Committee of the efforts of their organizations to provide assistance to Palestinians in the occupied territories.

54. Much of the report's information on Israel's repressive measures affecting all aspects of the Palestinians' lives was corroborated by reports from other independent sources, such as the Commission on Human Rights, Amnesty International, and other human rights groups, some of whom had had an opportunity to visit the occupied territories. The Malaysian delegation was particularly disturbed by the report of the Special Rapporteur of the Commission on Human Rights on the suffering caused to children by the military actions in the Palestinian territories.

55. An extremely grave situation had developed in East Jerusalem, which Israel continued to Judaize relentlessly through the systematic confiscation of Arab lands, the demolition of Arab homes out of security considerations or for administrative reasons or the revocation of residence permits. As a result of so-called natural expansion of previously established settlements, the Jewish population of East Jerusalem had exceeded 180,000.

56. At the same time, a systematic campaign continued to demonize and isolate the Palestinian leadership, specifically Yasser Arafat. With its actions, Israel was trying to weaken the Palestinians in the hope that they would be rendered completely powerless in future negotiations with Israel.

57. The international community must not be selective in matters of protecting human rights, because employing a double standard would only undermine confidence in the United Nations. The Malaysian delegation could not accept the argument that, because of the special nature of Palestinian-Israeli and Arab-Israeli relations, the international community should ignore flagrant violations of the human rights of Palestinians and the Syrians living in the occupied Syrian Golan. The Malaysian delegation believed that the Special Committee's mandate should continue until it was no longer needed.

58. **Mr. Mekel** (Israel) said that the position of the Israeli Government with regard to the Special Committee had not changed over the more than three decades of the Committee's existence. Since the Committee's establishment, it had been used as a tool for hostile propaganda against Israel. It was financed with limited United Nations resources, which neither helped to advance the cause of peace between the parties nor contributed to an improvement of the situation of the Palestinian people.

59. The root of the Special Committee's bias was in its very name. Blame was assigned to Israel even before any evidence had been examined. Most shocking of all was that the Committee's failure to consider the impact of Palestinian terrorism not only on Israelis, but also on the Palestinians themselves. The Committee's report failed to acknowledge the incredible dilemma facing Israel in fighting terrorists who hid themselves among the civilian population. Nor did the report consider the effects of the Palestinian terrorist campaign on the human rights of the Israeli population, more than 600 of whom had been killed. The day before, five more Israeli civilians had been killed in one of the kibbutzim. The al-Aqsa Martyrs' Brigade, which reported directly to Arafat, claimed responsibility for the crime. It was certainly regrettable that none of the preceding speakers thought it necessary to express any condolences to Israel over that.

60. Israel had taken great care to ensure that its actions aimed at uprooting the infrastructure of terrorism in the Palestinian territories were as precise and exact as possible, so as to minimize the harm done to the civilian population. The difficulties endured by the Palestinians were primarily the consequence of the terrorist activity that was being aggressively pursued in their midst. The Special Committee, however, deliberately ignored that.

61. That was why the Special Committee's work accomplished nothing at best and was counterproductive at worst. In that regard, it was no different from a multitude of other United Nations agencies created exclusively to advance the interests of the Palestinian side. It was entirely reasonable to ask why such a disproportionate amount of time was being devoted to consideration of the Israeli-Palestinian conflict, as if there were no other conflicts in the world that produced a considerably greater number of casualties. Israel believed that the work of those agencies only diminished the will of both parties to carry out their obligations to conduct negotiations to achieve an enduring settlement.

62. Israel had nothing against the esteemed members of the Special Committee. The problem was in the Committee's mandate. Because of that, Israel saw no point in discussing the contents of the report. At the same time, in the interests of peace in the Middle East, it would be useful to address a few historical facts that the report so deliberately ignored.

63. The causes of the conflict in the Middle East - and the situation of the Palestinian population was only one aspect of that conflict - lay in the strident rejection by the Palestinians and the Arab States of General Assembly resolution 18 (II) of 29 November 1947, their refusal to recognize the right of Israel to exist, and the aggressive wars that had been waged to that end. One such war was the 1967 war, launched by Arab States to destroy the State of Israel. The Israeli presence in the West Bank, in the Gaza Strip, and in the Golan Heights was, therefore, a result not of Israeli aggression, but of measures Israel took to defend itself.

64. In subsequent years, Israel persistently tried to reach peace agreements with its neighbors. Those efforts were successful in some cases - specifically, peace agreements were reached with Egypt and Jordan - but not in others. Unfortunately, no leaders have emerged among the Palestinians or in the Syrian Arab Republic or Lebanon who would be genuinely prepared to admit that the only solution was to look for a way to live together in peace and security. Those now in power were inciting terrorism and violence and were not prepared to publicly declare that terrorism was not only immoral and illegal, but also ultimately futile. Peace in the Middle East would be achievable when leaders emerged who were willing to speak frankly with their people and participate in talks that were free of violence and the threat of violence.

65. Israel, for its part, was eager to engage in talks on any outstanding issue between the parties without any preconditions. That was the only way to achieve a lasting settlement for the good of all peoples of the region. The day would come when talks would replace terrorism and dialogue would replace enmity, although the one-sided interpretation of the situation in the region that assigned the blame for the conflict to just one party - and that under the aegis of the United Nations - would not bring the day nearer. Based on that, Israel called on the delegation to vote against the Special Committee's report and the resolutions associated with it.

66. Mr. Al-Malki (Qatar), emphasizing the importance of the Special Committee's work, noted the valuable and objective information in the report on Israel's continuing violations of the legitimate rights of the Palestinian people and other Arabs in the occupied territories. Israel's refusal to cooperate with the Special Committee was not surprising, given that the Committee's job was to expose Israel's practices and its flagrant violations of international law and humanitarian norms. For more than two years already, the world had witnessed a barbarous campaign unleashed by Israeli forces against the defenseless Palestinian people, the casualties in that campaign being primarily women and children. Employing an entire arsenal of heavy weaponry, Israel used excessive force indiscriminately, as a result of which hundreds of peaceful, innocent residents had died.

67. The international community must take urgent measures to ensure compliance with the norms of international law that continued to be flagrantly violated by the occupation forces, who refused to recognize relevant Security Council and General Assembly resolutions and the provisions of the Fourth Geneva Convention. Immediate action needed to be taken to put an end to the practices of the occupation forces, which were tantamount to war crimes and included the murder of defenseless civilians and the destruction of property. Israeli occupation forces were hindering the movements of Palestinians, many of whom were cut off from food sources and medical assistance as a result. Unemployment had grown among Palestinians, who, subjected to what was essentially collective punishment, could not reach their jobs because of closures. The practices of administrative detention, harassment, and even torture continued.

68. The Special Committee's report confirmed that the extremely alarming human rights situation and economic conditions in the occupied territories continue to deteriorate. Israel, the occupying Power, continued to violate international law and humanitarian norms. The practice of creating illegal Jewish settlements in the occupied territories continued. Attempts were being made to change the legal status of Jerusalem and its demographic make-up, essentially in pursuit of the goal of the Judaization of the city. A just and lasting solution to the Palestinian question could be secured only if the occupation were ended, the Jewish settlements were dismantled, and the

Palestinians were given the opportunity to exercise their right to sovereignty and to the creation of an independent State with its capital in Jerusalem. Peace in the Middle East was possible only on the basis of a comprehensive settlement that included, specifically, an end to the occupation of the Syrian Golan under Security Council resolutions 242 (1967) and 338 (1973). In that connection, the Special Committee's work was exceptionally important.

69. **Ms. Løj** (Denmark), speaking on behalf of the European Union, the associated countries of Central and Eastern Europe - Bulgaria, Estonia Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia, and the Czech Republic - and the associated countries of Cyprus, Malta, and Turkey, as well as Iceland, which was part of the European Free Trade Association (EFTA), said that, for all the tragedy of the events of the past year, the dramatic deterioration of the situation, and the unceasing violence both in Israel and the occupied territories, accompanied by an alarmingly high number of casualties among the civilian population and the continuing violations of fundamental human rights norms and international humanitarian law, there was a glimmer of hope in the Middle East. That was due to the efforts of the international community, including not least the Quartet, to restart political talks.

70. The European Union strongly condemned the attacks on the innocent civilians of both sides, including the terrorist attack the day before at one of the Israeli kibbutzim. The European Union acknowledged the right of Israel to live in security and protect itself against terrorism. That did not, however, give Israel carte blanche, exempting it from its obligations under international law. There was no justification for the use of the excessive force resulting in serious violations of human rights and international law, and the European Union was gravely concerned over the fact that Israel was performing extrajudicial executions, arbitrarily detaining and deporting Palestinians, and demolishing homes and infrastructure and that its armed forces were attacking civilian areas indiscriminately. Israel must cease such practices immediately.

71. The Palestinian Authority, for its part, must do everything possible to fight terrorism, prevent terrorist attacks, and dismantle terrorist networks, employing all legitimate means at its disposal. The Palestinians must prosecute terrorists, categorically denounce terrorism, and stop its incitement, while continuing the efforts to reform the Palestinian Authority at the same time, with an eye to strengthening good governance, transparency, and devolution of power.

72. The economic, social, and humanitarian situation in the occupied territories had deteriorated badly, and emergency measures were needed to improve it. The European Union was gravely concerned over the intensified Israeli occupation activities and the harsh restrictions on the freedom of movement of people and goods and called upon Israel to end the blockade of the occupied territories and comply with the provisions of Security Council resolution 1435 (2002). Israel must also provide the Palestinian population of the occupied territories access to all basic social services, above all to food and medical assistance.

73. The European Union again called upon Israel to also provide international and humanitarian personnel full, free, and unfettered access to the occupied territories in keeping with the requirements of international humanitarian law. Israel must also give the Palestinian side withheld taxes amounting to around US$ 600,000.

74. Given the continuing expansion of illegal settlements, the European Union urged Israel to reverse its settlement policy in the occupied territories. Israel must also immediately halt illegal, unilateral actions that prejudiced a final settlement of the conflict and changed the physical and demographic make-up of the occupied territories.

75. There could be no military solution of the conflict. And the European Union remained willing to work closely with the Quartet and all interested parties to continue to assist efforts aimed at achieving a final settlement of the Middle East conflict and at using the settlement to implement a vision of the region in which the two States, Israel and Palestine, would live side by side within secure and recognized borders.

76. **Ms. Costa** (United States) said that the resolutions under the agenda item under consideration focused on Israeli actions without regard for the context in which they were undertaken, and they also ignored the question of the accountability of the Palestinian side for its role in perpetuating the current conflict, which had claimed so many lives on both sides.

77. Keenly aware of the suffering of the Palestinian people, the United States nevertheless did not see how supporting resolutions so detached from reality could alleviate that suffering or contribute to finding a solution. For that reason, the United States could not support the resolutions and urged the States Members to refrain from supporting the standard appeal made to the Special Committee year after year to continue its work.

78. The resolutions that provided the mandate for the Special Committee did not take into account the human rights violations committed by the Palestinian Authority or the terrorist acts committed by Palestinian militant groups. Those groups supported and encouraged terrorist attacks that resulted in the deaths of peaceful Israelis. The scale and systematic nature of the attacks clearly put them in the category of crimes against humanity. The United States condemned the attack made on the Israeli kibbutz the day before.

79. At the same time, to its credit, the Special Committee acknowledged in paragraph 43 of its report (A/57/207) that the Israeli "raids began shortly after the assassination of [the] then Israeli Tourism Minister". It must be ensured that international norms of humanitarian law be observed by all parties in the conflict and that all parties be accountable for what had happened. It was also necessary that, in the future, proper rules be put in place that would make it possible to prevent violations of the human rights of both Palestinians and Israelis.

80. The United States policy on the settlements had long been known. Israeli settlement activity, which undermined the trust of the Palestinian side and essentially prejudiced the outcome of negotiations, negated the chances for real peace and security, and the United States believed that such activities should be ended.

81. She said that, as a delegate representing the public of her country, she was surprised at the delegates of some States constantly trying to find justification in terrorist acts in their remarks. Such pronouncements were reprehensible, because they merely encouraged activities that were unacceptable under any circumstance.

82. **Mr. Requeijo Gual** (Cuba) said that the efforts of the international community, including measures implemented by the United Nations, had been unproductive because of the lack of cooperation on the part of Israeli authorities and the refusal to comply with Security Council and General Assembly resolutions.

83. The Security Council's impotence was mainly due to the use of double standards and the threat by one of its permanent members to veto any draft resolution that sought a genuine settlement of the conflict.

84. The confrontation between Israeli forces and the Palestinian population had intensified in the past year, as a result of which the number of deaths and injuries among Palestinian and Israeli civilians had increased, with the Palestinians suffering to a considerably greater extent; that had devastating consequences for Gaza, the West Bank, and East Jerusalem. The border closures and the prohibition against Palestinians entering the areas and territories where they worked limited access to sources of livelihood for tens of thousands of families.

85. The Cuban delegation had declared more than once that the inability to take effective measures would result in an intensification of the violence on the part of those in Israel who were against a peaceful and just settlement of the Middle East conflict. The most advanced military hardware for waging conventional warfare was being used against the Palestinian people. An unequal struggle was under way between a well-armed army and a civilian population that was standing up for its inherent right to an independent State. That indicated a gross and massive violation of the human rights of the Palestinian people, beginning with their right to life.

86. Apart from those rights, also being violated were principles of international law, international humanitarian law, and the Charter of the United Nations. The provisions of the Fourth Geneva Convention and numerous Security Council and General Assembly resolutions on its applicability to the Arab territories were being breached.

87. The Israeli Government had not allowed the Special Committee in the occupied Arab territories since 1968. The Cuban delegation expressed its regret at the fact that Israeli authorities were not cooperating with a Committee established by the General Assembly.

88. The Cuban delegation shared the wish of the international community for a just and lasting peace in the Middle East. The achievement of such a peace was

inseparably linked to a final solution of the Palestinian problem, which was the cornerstone of the Middle East conflict. The achievement of a just and lasting peace in the Middle East was impossible as long as obstacles were placed in the path of the effective and full exercise of the fundamental rights of the Palestinian and Arab peoples in all the occupied territories. Cuba once again declared its full support of the inherent right of the Palestinian people to an independent, sovereign State with a capital in East Jerusalem. It demanded the unconditional return of all Israeli-occupied Arab territories and again declared the illegality of all Israeli settlements on Arab territories occupied since 1967.

89. **Mr. Medjoub** (Tunisia), referring to the statement of the Special Committee's chairman, who had noted the serious humanitarian, legal, and political consequences of Israeli practices, said that the current debate of the Israeli actions was taking place against the backdrop of tragic events in the occupied Palestinian territories and in the Middle East as a whole. According to the testimonies obtained, Israeli measures such as the arrests of Palestinians, the humiliation of official representatives, the demolition of homes and offices, the continuing human rights violations, and the expansion taking place in Palestinian territories and the Syrian Golan in order to reverse the demographics in the region were producing a sense of despair among the Palestinian population.

90. Such Israeli practices were a flagrant violation of the norms of international law. The Tunisian delegation again called upon Israel to abandon the aggressive measures against the people living under occupation and invited Israel to make every effort to normalize the situation and create conditions favorable to negotiations. The international community must rid that region of war and destruction and help to create an independent Palestinian State.

91. **Mr. Percaya** (Indonesia) noted that the Special Committee continued to prepare valuable reports that shed light on the human rights situation in the occupied territories, despite its lack of access to the occupied territories. For example, more than 1,300 Palestinians had died and more than 20,000 had been injured in the period under review. An enormous amount of property damage had been done. Thousands of people had been left without shelter; in the Jenin camp alone, one third of the homes had been destroyed. According to the testimony of former detainees, people were treated badly in the detention centres, and they were subjected to harsh interrogations. Palestinians were taken hostage and were used as "human shields".

92. The reports spoke of the obstacles that Israel was placing before human rights defenders and journalists. They also spoke of the most varied of restrictions placed on freedom of movement, of disrespect for medical personnel, and of the hardships that the sick and the injured had to endure. Finally, they told of the enormous effect that the past year's events had had on the economic situation of the occupied territories.

93. The contents of the reports continued to deeply concern the Indonesian delegation. It is aggrieved at Israel's persistent contempt for the rights of the Palestinian people and other Arabs. Israel's disregard for United Nations resolutions must be ended.

94. **Mr. Siddiqui** (Pakistan) said that the Fourth Geneva Convention was applicable to the West Bank, the Gaza Strip, and the Golan Heights, as well as to the populations of those territories. The Security Council in its resolutions and the International Committee of the Red Cross had acknowledged that. The Convention established the obligations of occupying Powers with regard to "protected persons", prohibiting practices such as willful killing, inhumane treatment, and deportation. It also prohibited the occupying Power from moving a portion of its population into the occupied territories and stated as well: "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited". Despite that, the "occupying Power" in this case was grossly violating all the rights of the population of Palestine and the Golan Heights under international law.

95. Citing numerous specific human rights violations committed by Israel against the Palestinians, he said that Israel was firmly obligated to respect and protect all human rights in keeping with the treaties it had signed. Drawing a parallel between the situation in the Middle East and the situation in Jammu and Kashmir, he said that the "occupying Powers" in both cases were not fulfilling their legal obligations. He said that the norms of international law should be applied without discrimination or conditions, especially when the lives of innocent people are threatened by a heavy-handed state policy.

96. He called on the Fourth Committee to request the Security Council to take effective measures to ensure

that Israel fulfilled its legal obligations, specifically, to give the United Nations the opportunity to conduct unhindered monitoring of the situation in the occupied territories. He also believed that the Committee should call upon the States Parties to the Fourth Geneva Convention to convene a regular meeting on the question of the creation of a mechanism to ensure good-faith and consistent compliance with the Convention by occupying Powers. Noting again the similarity between Palestine and Jammu and Kashmir, he said that attempts to bring about justice were not yet successful in the two most unstable regions of the world - the Middle East and South Asia - despite the appeals of the international community, and that was hampering efforts to bring about a lasting peace.

The meeting rose at 1 p.m.